IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 1ST JANUARY 2007 / 11 SAKHA 1928

Crl.MC.No. 4093 of 2006()

CRIME NO.286/2006 OF PAMPADY POLICE STATION

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PETITIONER:

SURESH KHIMRAJ JI SHAH,
AGED 37 YEARS, S/O.KHIMRAJ JI SHAH,
80/82 BHANJI STREET, 3RD FLOOR, RATHNAMILAN
BUILDINGS, A-PART, SYAVERI BAZAR, MUMBAI,
MAHARASTRA.

BY ADV. SRI.VIJU THOMAS
SMT.M.MEENA JOHN

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, (CRIME NO.286/2006 OF PAMPADY POLICE
STATION).

BY PUBLIC PROSECUTOR SRI.K.A.AKBAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 01/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.4093 of 2006

Dated this the 1st day of January 2007

O R D E R

The petitioner is aggrieved by the condition imposed in Annexure A3 order passed by J.F.M.C-I, Kottayam insisting on production of a bank guarantee from a nationalised bank for a sum of Rupees one crore, in addition to execution of a bond for rs.2,00,000/- with two solvent sureties each for the like sum as condition for release of gold ornaments belonging to him thieved from his possession and recovered by the police in the course of investigation.

2. The short submission of the learned counsel for the petitioner is that the condition that the petitioner must produce a bank guarantee from a nationalised bank for a sum of Rupees one crore in addition to execution of a bond for Rs.2,00,000/- with two solvent sureties is unnecessarily harsh and onerous. The petitioner shall execute a bond for Rupees one crore with two solvent sureties each for the like sum undertaking to produce the articles/gold ornaments as and when directed. The unnecessary insistence of production of a bank guarantee may be deleted, it is prayed.

3. The learned Public Prosecutor submits that the State has no objection in releasing the articles to the petitioner. The State does

not also have any contention that the articles do not belong to the petitioner. In these circumstances, subject to appropriate conditions, the property may be released to the petitioner, submits the learned Public Prosecutor.

4. Having considered all the relevant inputs, I am persuaded to agree that conditions 1 and 2 imposed as per Annexure A3 order can be modified and there can be a direction in supersession of those two conditions that the petitioner must execute a bond for Rupees one crore with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

5. This Criminal Miscellaneous Case is accordingly allowed. The conditions are modified to the above extent.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006